

ASSEMBLY BILL

No. 564

Introduced by Assembly Member Karnette

February 16, 2005

An act to add Section 60401 to the Education Code, relating to instructional materials, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 564, as introduced, Karnette. Basic instructional materials: review.

Existing law requires the State Board of Education to adopt at least 5 separate basic instructional materials for each grade level and each subject area, with certain requirements, for the purposes of any provision of the California Constitution that requires the adoption of textbooks for use in elementary schools.

This bill would require the Superintendent of Public Instruction to create and implement a process to review high school basic instructional materials, with certain requirements. The bill would require a fee to be imposed on publishers and manufacturers of instructional materials who choose to participate in the review, and would continuously appropriate these funds to the State Department of Education for purposes of conducting high school basic instructional materials reviews.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
2 following:

1 (a) All pupils, including pupils in grades 9 to 12, inclusive, are
2 expected to meet the academic content standards adopted by the
3 State Board of Education.

4 (b) The “White Paper on Improving Student Achievement in
5 California’s High Schools” written by the State Department of
6 Education (hereafter the White Paper) stated “the academic
7 achievement of students in California’s elementary schools and
8 to a somewhat lesser extent our middle schools - is steadily
9 increasing.” These results have been aided by “a new generation
10 of instructional materials that give teachers the tools necessary to
11 deliver a more rigorous content.” The White Paper also stated
12 that “California’s high schools are not following the general
13 trend toward increased student achievement.”

14 (c) A governing board of a school district is required, under
15 the Instructional Materials Funding Realignment Program, to use
16 funds for instructional materials to ensure that all pupils have
17 been provided with standards-aligned instructional materials.

18 (d) A governing board of a school district is required to hold
19 an annual public hearing and to determine whether each pupil in
20 the school district has, or will have prior to the end of that fiscal
21 year, sufficient textbooks or instructional materials in each
22 subject that are consistent with the content and cycles of the
23 curriculum frameworks adopted by the State Board of Education.

24 (e) There is a statewide instructional materials adoption for
25 kindergarten and grades 1 to 8, inclusive, that includes
26 determining alignment of instructional materials with state
27 academic content standards. The White Paper also stated that
28 “elementary principals and school district administrators attribute
29 much of their recent academic progress to structured, focused
30 standards-aligned materials that provide the appropriate amount
31 of support for both the novice and experienced teacher.”

32 (f) There is currently no statewide adoption or review of
33 textbooks or basic instructional materials for grades 9 to 12,
34 inclusive. Existing law requires each governing board
35 maintaining one or more high schools to adopt instructional
36 materials for use in the high schools under its jurisdiction. School
37 districts devote substantial time and effort to determine if the
38 instructional materials being considered for adoption are aligned
39 to state academic content standards and other requirements for
40 instructional materials.

(g) Implementing a review process for basic instructional materials in grades 9 to 12, inclusive, to ensure accuracy of content, alignment with academic content standards and compliance with legal and social content requirements would create a list of materials for local consideration. This review process would reduce the number of duplicative reviews currently conducted by each school district maintaining a high school and would provide a much-needed service to the 935 California high schools serving 1,568,501 pupils.

(h) It is the intent of the Legislature that teachers with classroom experience be involved in the review conducted pursuant to Section 60401 of the Education Code of basic instructional materials used in high schools.

SEC. 2. Section 60401 is added to the Education Code, to read:

60401. (a) For purposes of this section, the following terms have the following meanings:

(1) “Academic content standards” means those standards adopted by the state board pursuant to Section 60605 in reading, writing, mathematics, history and social science, and science.

(2) “Core course” means a one-year course that is aligned to the academic content standards or a one-semester course that is aligned to the grade 12 history-social science standards for either economics or government and civics.

(3) “Bundled instructional materials” means a grouping of two or more types of instructional materials from one or more source or publisher.

(b) (1) The Superintendent shall develop and conduct a process to review high school basic instructional materials and shall determine the extent to which high school basic instructional materials for pupils in grades 9 to 12, inclusive, are aligned to the content standards adopted by the state board.

(2) For each high school basic instructional material submitted for review, the Superintendent shall detail the content standards that are covered in sufficient depth by that high school basic instructional material.

(3) The Superintendent shall form a panel to develop the advisory list required in paragraph (2). This panel shall be composed of a majority of high school teachers with classroom experience and expertise in a certain subject matter, and shall

1 also include high school administrators, parents, scholars, and
2 members of school district governing boards.

3 (4) In developing the advisory list, the Superintendent shall
4 consider that high schools use multiple instructional media and
5 sources that provide a standards-based program in the various
6 content areas. The advisory list shall include, where appropriate,
7 both individual and bundled instructional materials that provide
8 the basis for rigorous standards-based instruction and learning.

9 (5) This review process shall include a schedule for review of
10 textbooks and basic instructional materials.

11 (c) On or before July 1, 2006, the Superintendent shall
12 commence the process of reviewing basic instructional materials
13 for use in high schools.

14 (d) (1) The department shall collect a fee from each publisher
15 and manufacturer that chooses to submit instructional materials
16 for review. The fee shall be paid before the textbook or other
17 item of instructional materials is considered by the department.

18 (2) All fees collected by the department under paragraph (1)
19 are, notwithstanding Section 13340 of the Government Code,
20 continuously appropriated to the Superintendent for the purposes
21 of funding the expense of a high school basic instructional
22 materials review.

23 (3) Upon the request of a small publisher or manufacturer, as
24 defined in paragraph (3) of subdivision (f) of Section 60227, the
25 department may reduce the fee imposed in paragraph (1).

26 (e) Before conducting a review of basic instructional materials
27 for use in high schools in a subject area, the department shall
28 provide notice to all publishers or manufacturers known to
29 produce basic instructional materials in that subject, post an
30 appropriate notice on the Web site of the department, and take
31 other reasonable measures to ensure that appropriate notice is
32 widely circulated to interested publishers and manufacturers. The
33 notice shall specify the date for the commencement and
34 conclusion of the high school basic instructional materials
35 review, the core course or courses that will be included in the
36 review, and that each publisher or manufacturer choosing to
37 participate in the high school basic instructional materials review
38 shall be assessed a fee for each textbook or basic instructional
39 materials program submitted for each core course.

1 (f) The department, prior to incurring substantial costs for a
2 review, shall require that a publisher or manufacturer who wishes
3 to participate in the review first declare the intent to submit one
4 or more specific textbooks or basic instructional materials
5 programs for the review. After a publisher or manufacturer
6 declares the intent to submit one or more textbooks or basic
7 instructional materials programs, the publisher or manufacturer
8 shall be assessed the fee imposed in paragraph (1) of subdivision
9 (d). The fee shall be payable by the publisher or manufacturer
10 even if the publisher subsequently chooses to withdraw a
11 program. A submission by a publisher or manufacturer may not
12 be reviewed until the fee assessed has been paid in full. The
13 department will conduct a review only if it determines that there
14 is interest in participating in a review by publishers and
15 manufacturers.

16 (g) The governing board of a school district shall retain the
17 authority under Section 60400 to adopt instructional materials for
18 use in the high schools under its jurisdiction. The list of reviewed
19 materials produced as a result of the high school basic
20 instructional materials review process developed pursuant to
21 subdivision (b) is advisory only and provided as a service for
22 high schools and their school districts.